

THE PEW FORUM ON RELIGION & PUBLIC LIFE

"FROM PROMISE TO POLICY: A DISCUSSION OF THE WHITE HOUSE OFFICE OF FAITH-BASED AND COMMUNITY INITIATIVES

MODERATOR:

E.J. DIONNE, SENIOR FELLOW, BROOKINGS INSTITUTION

DISCUSSANTS:

JOHN DI IULIO, WHITE HOUSE OFFICE OF FAITH-BASED AND COMMUNITY
INITIATIVES

RICHARD FOLTIN, AMERICAN JEWISH COMMITTEE

REVEREND EUGENE RIVERS, TENPOINT COALITION

SENATOR RICK SANTORUM, R-PA.

REPRESENTATIVE BOBBY SCOTT, D-VA.

JIM WALLIS, CALL TO RENEWAL

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MS. MELISSA ROGERS [Executive Director, Pew Forum] Good afternoon. I am Melissa Rogers, Executive Director of the Pew Forum on Religion and Public Life.

The Forum is a new project sponsored by the Pew Charitable Trusts, and we are pleased to have with us today Luis Lugo, Kimon Sargeant, Barbara Beck, and Julie Bunt of The Trusts. The Forum provides a platform for discussion and research about the ways in which faith and public affairs intersect. As the name indicates, the Forum indicates those who have different political and religious perspectives, as well as those who differ in their views about how and when religion should participate in public life. In other words, we at the Forum look forward to engaging the full diversity of perspectives on this subject. The Pew Forum's co-chairs are E.J. Dionne, Senior Fellow at the Brookings Institution, and a columnist at the Washington Post; and Jean Bethke Elshtain, a professor of social and political ethics at the University of Chicago. Professor Elshtain could not be with us today. E.J. will, in a moment, moderate our discussion.

Today we are focusing on the Office of Faith-based and Community Initiatives, a new office that was part of candidate Bush's campaign promises, and now becomes policy under the Bush administration. Yesterday, President Bush issued two executive orders. The first executive order establishes this new office within the Executive Office of the President. The second executive order deals with various federal agencies responsibilities for faith-based and community initiatives. And today, President Bush is unveiling more detail about this proposal, and associated legislative initiatives.

This is the first in a series of forum events that will examine the practice, political and legal implications of this new White House office. On March 6, the forum will host an event to discuss the legal principles implicated by the work of the office, and to examine how this initiative is changing the way government works. Further information on these matters can be found in your packets, and also at the Pew Forum website, www.pewforum.org.

So let me at this point turn the program over to E.J. and our distinguished panel.

MR. DIONNE: Thank you.

I want to thank Melissa and also Staci Simmons and Amy Sullivan for pulling this thing together so quickly, and thank so many friends and colleagues who are here today.

I am going to say very little because we have such a great panel representing a real diversity of viewpoints on this subject. I will save introducing my friend John DiIulio for last. I will start by introducing Gene Rivers. Senator Rick Santorum is held up on votes. He is supposed to come here at some point, but any of you who have ever heard Reverend Rivers talk, preach, opine, you will know you are in for a real treat today. He's a founder of the TenPoint Project in Boston, and has been at work on so many aspects of the problem that we're discussing today.

Jim Wallis is editor of Sojourner's Magazine, which I think is one of the few magazines that is both a magazine and a faith-based organization. It's very involved in his neighborhood here in D.C. He is also the head of Call To Renewal. He has written many books, I think I've got this right, the most recent being *Faith Works*, a good title for today.

To my immediate left is Congressman Bobby Scott, he is a fifth-term Congressman from Virginia. He's been very active in debating questions around religion and public life, and we're very glad to have him today.

And Richard Foltin is the legislative director and also counsel for the American Jewish Committee, and he too has been very involved in these debates.

And lastly my friend John DiIulio. John, I just want you to know, it's very disconcerting for a journalist, even an opinionated columnist like me, to suddenly turn on the television one morning and discover that your collaborator is suddenly wielding government power in the White House. I just want you to know that. I'm also very happy for you.

John is my friend and collaborator. There is nobody I know who is more dedicated to the cause of poor people or racial justice. John brings the passion of a committed person to this work, and the dispassion of a scholar in trying to figure out what works. I'd also like to say that John is a Baptist preacher in the body of a Catholic professor. And I figure if somebody like me says too many nice things about John DiIulio, President Bush will reconsider his appointment. So I will stop right there, and we will start out with John.

Welcome and congratulations.

MR. DI IULIO: Thank you, Brother E.J. I appreciate it so much, and I want to thank all of you. And I want to begin by just thanking -- I think I had a life before the last two days, I'm not sure where it went, but in that life Luis Lugo and others at The Pew Charitable Trusts have been so important and supportive in all sorts of ways, as friends and colleagues, and mentors, and so I want to thank The Trusts. I want to thank the Brookings Institution, my old stomping grounds. I spent three-and-a-half of the best years of my life directing the Brookings Center for Public Management. I never thought I'd have to actually put up or shut up in terms of doing in government service, but here I am.

Let me just begin by trying to explain what I think we're trying to do at this new White

House Office of Faith-based and Community Initiatives. I just came headlong, I've learned that everybody in Washington, D.C. runs or rushes, which is going to be a good weight loss program for me, if nothing else good comes out of this. But we just rushed back from an event at which President Bush went to the Fishing School, which is a small community serving ministry in Southeast Washington, D.C., run by Tom Lewis.

Many of you here, I know, know who Tom Lewis is. I know E.J. knows who he is, because we've had him at various fora at Brookings over time. Tom is a former District of Columbia police officer who spent some two decades on the force, was in the Officer Friendly program, and then after his two decades of service, having seen so many children and so many young people in such distress, promised that if he could get through his service in the police department, he would mortgage his home, he did that, and borrow money, and he did that, and just open the door on that street in a little structure, and call it the Fishing School and invite children in. First just as a community safe haven, and then over time one thing led to another, an after school program, a computer-assisted literacy and learning program, and now he has two buildings there that constitute the Fishing School.

And so we just ran back from an event where President Bush was joined by Senator Lieberman and Senator Santorum, and it was really just remarkable to go and see Tom. I had the honor and privilege of introducing Tom Lewis before he introduced President Bush. And it was commented to me by my friend and fellow New Democrat, Senator Lieberman, who I embraced and held onto and told him I am now surrounded by Republicans. But to stand there next to Tom Lewis and feel like he was truly the most important man in the room, I really believe at that moment, and I believe in his life, he is.

That's the kind of community serving ministry that we're talking about when we talk about faith-based initiatives. Now, this office is not just about religion, contrary to what you may have heard or what you may have reported. It is about faith-based and community initiatives, and the conjunction is meaningful. There are essentially three things the office is attempting to do. First, we're trying to increase charitable giving. Not just charitable giving in terms of dollars, although that is very important. But also charitable giving in terms of volunteer hours and time, and the human element, without which all the money in the world really can't make a difference. Money matters, don't get me wrong. No money, no building, deferred maintenance, but it's not just about money.

In order to increase the charitable giving in terms of the financial side, the president is suggesting that the tax system be changed, and incented so that individuals who don't itemize can now nonetheless deduct for charitable purposes, encouraging states to provide a flat out deduction, \$500 to \$1,000. And also trying to make it possible for folks to give to charity from their IRAs without any penalty. And last, but not least, as far as I'm concerned, stimulate more corporate giving; make it easier for corporations to give to community-based organizations, whether religious or secular. That's the fiscal side, and that's important, and that's nontrivial.

But the other side is at least equally important. One of the real reasons I agreed to come on and do this job was that Mayor Steve Goldsmith was also announced. The President has

nominated him to the Corporation for National Service where Senator Harris Wofford was. Senator Wofford over the years [had] some tremendous ideas about how to link AmeriCorps to the work of faith-based and other community groups. I don't know that Republicans have traditionally been very supportive of AmeriCorps, but they ought to be supportive of AmeriCorps, and I hope they now will be supportive of AmeriCorps. And not necessarily AmeriCorps as it is, but reengineered, retooled. We have some tremendous examples. In fact, we have in Philadelphia, as Senator Wofford knows, some tremendous examples of AmeriCorps involved in community serving ministries that do literacy. There's a real opportunity to take that volunteer base and drive it in a careful, critical way so as to expand the extent to which those volunteers in AmeriCorps and Corporation for National Service can be a meaningful partner of these community groups, whether religious or secular.

So that is a crucial piece of this. It gets lost in the church-state debate. I know what we're here to discuss today are those issues and competing perspectives thereon, but I just want to stress that, because it is a vital, vital piece of the vision, sort of a civil society vision of the type my colleague in the office, deputy director of this office, Don Eberle has articulated in his writings over the years.

The second thing – after increasing charitable giving – that this office is about is really removing the barriers, ending the discrimination, leveling the playing field, so that community-based groups, whether they're religious or secular, that are not now part of the government funding loop in the area of social services, can get a better shake, can be better advised. A lot of these groups out there do tremendous work. A group like Tom Lewis's Fishing School and his after school programs ought to qualify, or at least ought to be able to compete, but presently can't compete or can't compete on quite a level playing field. And we want to help to level the playing field.

I personally don't contend that there are all kinds of bureaucratic regulations or that over-regulations that are the reason why in every case certain groups are in and certain groups are out. But if you know these issues from the ground up, and if you know people who are out there doing this work, you've heard those stories, and those stories really do add up. There is a systemic problem, so we want to address it.

At the same time, we want to do so, as the president has said over and over again, we in a way that doesn't violate the mission of the group in question. Now, with respect to religious organizations, that becomes one of the interesting and contentious points, and there what we're talking about basically is pretty much what Congress proposed and President Clinton signed on August 22, 1996, with respect to charitable choice. The idea that even religious organizations ought to be able to compete for these federal social service dollars and funds on the same basis as any other non-governmental provider of those services.

Now, there are some exceptions. No religious organization, I'm just cribbing here, because I've already fallen into – I used to look down on government officials, E.J., who would come in and crib from other scholars and not attribution, so on my second day on the job, with attribution – Stanley Carlson-Thies of the Center for Public Justice, Title VI of Civil Rights Act

of '64 which prohibits discrimination on the basis of race, color, national origin; Age Discrimination Act of '75 prohibiting discrimination on the basis of age; Section 504 of the Rehabilitation Act of '73, which prohibits discrimination against otherwise qualified disabled individuals, including folks who have HIV infection; Title IX of Educational Amendments of '72, which prohibits discrimination in educational institutions on the basis of sex and visual impairment. Those things stand in the law, those things do not get violated. Those things are a good part of the law, and no one's talking about changing those. If they were, I wouldn't be here.

So, now, that doesn't solve anything. There's still a lot to fight about, and you'll have a good time today fighting about it. But that's the law, and that's the law we intend to try to push on charitable choice and implement charitable choice, but within those parameters.

The third and final goal after increasing charitable support, both human and financial, and removing barriers, leveling the playing field, evening the competition, is the prospect for finding effective models of public-private partnership and cooperation where you can have institutions, both sacred and secular, working across the usual racial and denominational lines, the usual urban-suburban divides, on particular civic purposes.

Think for a minute about what we don't have in this country today. We don't have a situation where any big city can point and say "We have universal access to quality after-school literacy programs for every child who wants one within walking distance of his or her public school. We have a mentor available for every child of a prisoner, an incarcerated person who's there, whose parent or guardian wants a mentor in their life." There are a lot of needs that we have that are unmet.

The purpose and the point of these initiatives, so far as I'm concerned, really is to find effective models, and to help drive those models, to the extent the federal government can, or the White House can, not only to public attention, but to public support. And so today, President Bush, in addition to the tax changes and so forth, will be talking about this compassion fund, which really is a matching fund, which really says to the private sector, and to the volunteer sector, the independent sector, step up and do things that have provable results, that show provable results, that would not violate any procurement protocols, step up and do things consistent with Government Performance and Results Act sorts of criteria. And the government will look at that and take that seriously and say, if it can benefit people, and if it's within the double yellow lines of the non-discrimination laws that I've just outlined, mentioned, then we ought to be able to support it.

So those are the three goals of the office as I understand it. We're going to be trying to implement these goals, not just through the office itself, which is based within the White House, but through our colleagues in the cabinet agencies. Each of the five major domestic cabinet agencies will have a center or task force, we hope, and that task force will be responsive to the mission of the office, trying to do performance audits, trying to see how now these funds flow with and through various non-governmental providers, to find and see whether there is a better way, better prospects for implementing these public laws so as to benefit, lift up children, youth and families and other people in need around the country.

Now, that's what we're -- can I say fixin' to do?, even though I'm from Philadelphia? That's what we're fixin' to do.

DIONNE: You didn't wear boots today.

DiIULIO: I didn't wear boots today, but that's what we're fixing to do and I believe the president is in his heart absolutely committed to this. Senator Lieberman just released a statement saying that President Bush has issued a commendable call to conscience, challenging our nation and our government to do better in harnessing the constructive force of religious and civic organizations to help us solve our most pressing societal problems.

There are concerns, there are limitations, and there are debates that we ought to have, and we ought to sue each other when necessary, because when Americans are serious about something, they will sue each other. So we ought to sue each other until we drop. But when the suing is over, when the suing is over, let the message go forth that at this time, start of this 21st Century, we found a way to find common ground, to stand together. You've got to bend a little to get on point, and get on mission, because if all the debate goes on, not just here today, but if all the debate goes on two, three, five, seven years from now, and we still can say we don't have universal access to literacy, and we still can say there are prisoner's children without mentors, then what was the debate for? What was the debate for?

So I thank you, Brother E.J.

MR. DIONNE: Thank you very much.

Bobby Scott suggested I call on Richard first, who will announce the first lawsuit, I think, on this stage.

Let me just say something quickly. What I might like to do is have Richard present an alternative view, maybe go to some questions, especially from my journalistic colleagues and friends, and then we'll keep going down the panel.

But, Richard, your lawsuit.

MR. FOLTIN: The first thing I was going to say is I have a writ in my pocket here for you. First of all, let me first say that I want to talk about some profound misgivings and concerns that I and many of us who represent faith-based organizations have with this project that has been announced in the last couple of days. But, I must say, I couldn't think of a better person to head up this project, whatever concerns I may have, than Dr. DiIulio. And I look forward to us exploring those concerns in the days ahead.

There are two basic concerns that are trying to be addressed. One concern has to do substantively with how do you do this, how can you possibly rely on pervasively religious institutions to provide publicly funded services without running into all kinds of constitutional

and policy concerns. And in addition, in the very name and makeup of the office, as it was originally announced, the Office of Faith-Based Initiatives, that in and of itself carried certain concerns, because of the suggestion that somehow it was only to the faith-based community that one was going to look in order to find wisdom in this area.

We wrote a letter to then President Elect Bush at the beginning of the month, urging that if this office was going to be created that it not be limited to just faith-based initiatives, but to community as well. And we're very pleased that he took our advice. Now, the key question is going to be whether or not that's cosmetic, or whether, in fact, they are going to be looking to the entire spectrum of the community for wisdom and for service in dealing with all of our problems.

Having said all of that, I think there's a fundamental problem with the notion of faith-based action, which we also call charitable choice, and I'll call it charitable choice for lack of a better term at this point, in that there's a fundamental paradox there. We have here a program which seeks to allow the government to depend on and utilize the spiritual ministry of churches, synagogues, mosques, and other pervasively religious institutions as a tool in the provision of social services, to save people's souls as it were, and use that as a way of dealing with their deep rooted problems, and at the same time assure that the programs are administered in a fashion that protects the beneficiaries of these services from religious coercion, and protects the religious institutions from undue interference by the state with their autonomy.

I think at the end of the day, this is an approach to social service provision that is untenable, because of these practical, to say nothing of unconstitutional, problems by the attempt to reconcile what are fundamentally inconsistent goals. Now, it should first be noted, none of this is to say either of two things. First of all, there's no question about the great and important work that religious institutions do for the needy amongst us, and, in fact, in many cases they were doing it long before the government got into the act, and that is praiseworthy. And sometimes they do that together with the religious message being conveyed and sometimes not, and when they're doing it with their own dollars and with the contributions of members of their own communions, there is nothing to be gainsaid about that.

And in addition, there is a long history in this country of ways being found for religious institutions to partner with the government, and it well proceeded in 1996 in the charitable choice program. Basically, these institutions were expected to set up separately incorporated, religiously affiliated institutions, Catholic charities, Jewish federations, the many Protestant organizations, I'm sure many of other faiths as well, other faith groups as well, and they received government funds in support of their work for many years.

So what is new about charitable choice, what's new about this initiative now that has been announced by the president is that it seeks to permit houses of worship and other pervasively religious institutions to receive taxpayer dollars for programs that are not discrete and institutionally separate from the core religion preaching activities of these institutions, and that are inextricably permeated with religion. And historically, as alluded to earlier, that's a separation that has been created by having those services provided by separately incorporated, religiously affiliated institutions which then go and provide, in effect, secular services.

Now, they have been able to do that, I think, while still being able to maintain their religious identity. Catholic charities is still a Catholic institution. Catholic hospitals that receive funds still have crosses in their rooms, which those who are in those rooms and don't want to have [them] in their hospital room are able to remove. But the notion that some have argued that in order to have the structure that we had prior to '96 religious institutions had to remove themselves of their religious identity or not be eligible to receive public funds simply was not the case. What they had to do was provide the services in a fashion that was not permeated with their religious teaching mission and allow people to receive secular services in a non-discriminatory fashion.

So what the problems I think with charitable choice -- let me to just tick them off, because don't want to go on too long, or maybe I do, but I'm not going to be allowed to, is charitable choice opens the door to publicly funded programs in which recipients of social services, notwithstanding the provisions of the law that might say that they may not use public funds for sectarian worship, instructional proselytization, are going to be coerced to take part in religious activities, are going to be made to feel like they have to take part in those activities. And in addition it's very difficult to see, I would say it's impossible to see how ultimately these religious institutions, even in the best of faith, are going to be able to separate out their religion teaching missions from the provided of these services. Charitable choice creates the possibility of a rift among various faith groups as they compete for public funding, and the government is going to have to make choices, maybe even on objective basis, but nevertheless the government is going to have to make choices between religious groups, who are they going to contract with, who is going to provide the services, and that has potential for all kinds of divisiveness.

Charitable choice allows religious providers to engage in religious discrimination in terms of who they hire to provide these services with taxpayer dollars. Religious institutions are rightly exempt from the prohibition on discrimination on the basis of religion in who they hire to run their institutions with their own money. But when they start to carry out government funded programs and do so and then put up signs in effect that say for a particular program running and participating in and providing the services, no Catholics need apply, no Jews need apply, no persons of whatever faith need apply, we really are seeing a terrible precedent being set in terms of the use of government money to support religious discrimination.

I also have to say in this respect that I think we will see a tension, because for those of us that want to see religious institutions to have a broad right to make decisions on terms of religion in who they hire, not only in terms of what a person's faith is technically, but whether they adhere to the tenets of the faith, you're going to see a tension take place between the civil rights interest in seeing the definition of religion carried out narrowly, expressed narrowly, so that non-discrimination will be as little as possible, and on the other hand the religious liberty interest in having the definition of religion be a broad definition, so that religious institutions are able to carry out their works in accordance with their faith.

And the last point I want to make and maybe most crucial is that with government dollars comes government oversight. Faith-based organizations are inevitably going to be held

accountable for the use of the dollars they receive, just as other recipients of government funds would be, and this intrusion into the affairs of churches and other pervasively religious organizations is exactly the type of entanglement between religion and state against which the Constitution guards.

MR. DIONNE: Thank you very much.

I was talking to Melissa about this once, that there are so many churches spinning off these independent, nonprofit entities that some day we're going to drive down the street and see a church called, St. 501(c)(3).

Before I turn to Congressman Scott, in response to what Richard said, I'd like to throw a quick question at John, which is this issue of discrimination. In other words, there are those provisions you mentioned which will stay in the law. There are certainly problems that have already been raised involving gays and lesbians in these organizations. How do you settle this discrimination issue? In other words, how do you see that playing out, because I think inevitably that is going to be something that any form of charitable choice is going to have to grapple with.

MR. DiIULIO: Well, my answer to that question really is going to proceed from what you know from me as the 11th Commandment which is, proceed inductively. I'm not a constitutional theorist, and I know there are legal issues here that need to be debated and parsed and whatnot. But here's how I come at that.

Let's say that 10 percent of all of the community serving social service providers in a given city are ones that everybody in this room, regardless of political affiliation, ideology, religious background, or lack thereof, whatever, would say uh-uh to, no way; I don't like the way they're hiring people; I don't like their personnel system or policies; I don't like the way they do things. Okay? And what if that were true, and what if there were 90 percent of the folks in that same city who also considered themselves or would meet most definitions of congregation as a house of worship, and so forth, who virtually everyone in this room would say, I admire and respect that; I can live with that, or it makes me a little nervous or uncomfortable, but that's okay with me.

What I'm suggesting to you by proceed inductively is that that is pretty close to the reality out there. Now, for me the question is, I'm focused on the other side of that question as much as I am, E.J., and probably more so, than I am on the what about the cases where there's a form of discrimination that once you start saying we're going to give contracts or vouchers to folks who are not just functioning as a house of worship, but are going to function as social service providers.

The other side of that is housing rehab is a perfect example. You go into any planning district in this country, you know the way cities are divided into planning districts, and say who does housing rehab. I mean, think of the continuum here, let's just use the Christian example, evangelical outreach for faith-based drug treatment at one end of the continuum, where they go in and it's religion from the moment they start, it's the whole theory of the program, it's the whole

point of the program. At the other hand of the continuum is housing rehab, you know, bricks, mortar, nails, lumber, people, volunteers. Okay. If you're a faith-based provider, in many places the fact that you're a faith based provider, that you move the lumber from the church yard to the site to build the housing disqualifies you for competition.

Now, Habitat for Humanity has done a remarkable job of getting in and around that, and it's not a major issue for them. But it is an issue for a lot of providers in something as garden variety, you know, that doesn't look like it has much religious content to it, maybe they'll hum hymns as they're hammering along. So what I'm saying is, let's be disciplined in our discussion. Maybe people will conclude, no, the possibility of being infected by that 10 percent, or I don't know what it is, is so great that we don't want to step forward at all to look at the good that's being done, and the possibilities for public-private, and religious-secular collaboration to achieve these ends.

But I want to say to people, the spirit of this ought to be not, let's get to the letter of the law, but instead, let's look at how we can get things done together. Let's have that fight, but let's keep looking for how we can come together to do the things we all agree ought to be done and not leave anybody out who wants to help.

MR. DIONNE: I want to let Congressman Scott later on come back to that.

Ma'am, please.

QUESTION: How does what you see coming out of your new job and the initiatives in the other four agencies compare to what HUD has been doing? Are there things that they've been doing right and successfully that are a model, or are there a lot of things that they haven't been able to do that you think you can come up with ways to make easier?

MR. DiIULIO: I actually think HUD has made a great deal of progress the last several years. I think frankly what Vice President -- can I say this anymore? What Vice President Gore did was mighty good, thank you very much, and I think that that, as part of the overall National Performance Review effort, really did gain some ground. And I think the office there and Father Hacula really did a good job. Now, they didn't finish. And had Vice President Gore been elected, in his own campaign he talked a lot about the need to step down this path and do more as well. They were planning to do more.

So I think there's more that can be done at HUD. I think there's more that can be done at HHS, and more that could be done at Justice. The first thing we need to do, however, is find out what that more is. By the way, the Office of Faith-based and Community Initiatives has no money. We don't have any money. I go home on the Metro, I have no money. We've got no money, please don't send your cards and letters. But the cabinet agencies, we're going to work with them to make these groups eligible. We're going to go through and find out what they're doing now, and what might be done to sort of move us in the direction of, as I said earlier, I'm going to repeat myself, a more level playing field, and see if we can't make progress. I think some progress has been made, frankly.

MR. DIONNE: One more question before I turn to Jim. I also want to welcome Congressman Chet Edwards from Texas, who is a walking example of bipartisanship, because he's a Democrat who happens to represent President Bush's ranch in Texas. Welcome, Congressman Edwards.

QUESTION: I'm Kenny Bird with Associated Baptist Press. And, John, specifically to you, I've been covering this charitable choice issue for years now and when I ask for specifics, I keep being told that, oh, we'll get to those specifics later. So that now we're here and have the office, say you're in a situation, you have Branch Davidians, Wiccans, or Nation of Islam, are they going to get money? How are you going to determine if they get money? And also I heard you say you're going to enforce the civil rights laws, does that mean that a church should be very scared of taking money at the same time, you know, refusing to hire an atheist because they're not a Christian conservative like their group?

MR. DIONNE: Could I pause for a second? John whispered in my ear that his Metro is going to be outside soon, and he's going to have to leave. So, if I can collect a couple of other questions for you, but I don't want to lose the Wiccans, because I think that's a very good question.

QUESTION: I heard on C-SPAN that there would be prosecution of those that would proselytize. And I'm wondering who would make that determination. If a Christian is seriously obeying the command of Jesus to make disciples of all nations, to baptize and teach, wouldn't some consider that proselytizing?

QUESTION: I wanted to ask sort of a similar question which had to do with the extent to which you foresee the organizations involved being regulated, monitored, supervised, audited, and how do you balance that? I mean, what role can government play in trying to figure out, for example, whether an organization is being religiously coercive and stepping over some line, how do you mediate, how do you find that line?

MR. DIONNE: Two more over here.

QUESTION: Cathy Grossman from USA Today. The questions seem to all connect in some way to how within your office you're going to evaluate which religious institution is a genuine, so to speak, religious institution, and where you're going to define the line between proselytizing, witnesses, and testifying, and that's a fine line to draw, who is going to be drawing those lines?

MR. DIONNE: And one last one was right behind.

QUESTION: I'm Sharifa Al-Khateeb from the North American Council for Muslim Women. And I'd like to know how are you going to deal with the issue of the faith-based groups that have been at it longer, dealing with the government, and knowing how to write grants, and how to connect with people, and who even to speak to with the groups who haven't done that,

and haven't done it until very recently. They're Johnny-Come-Lately's on the block, and how are you going to sort of make a kind of balance between those who know everything from A to Z, from those who don't?

MR. DIONNE: Go ahead, John. This is just a preview of what you're facing for four years, John.

MR. DiIULIO: I'm taking a leave and writing a book, it will be out in 18 months that will answer all your questions.

Let me use three points that might run a thread through the various questions. The first point would be, let's just recognize something right now, if we just stop right now and go look at what the federal government funds across, say the five domestic cabinet agencies, and how that works, the first thing you're going to discover is that the way it really works is that Washington functions as kind of a big check writing machine. The fraction of funds where federal government is making the policy, administering the policy, setting the policy, and actually has federal employees doing the work is really very, very, very small. Virtually everything that Washington does in the area of federal policy right now is done through state and local governments and whole complex networks of nonprofit and for-profit and other providers. Now, that is true at this moment. And what is also true at this moment is that many of those providers, although not critical masses of them everywhere across those, say, five cabinet agencies and their programs are religious providers.

Now, do you suppose that some of the non-religious, that anybody here would say are non-religious providers of those services who are now receiving federal vouchers or contracts are themselves organizations that would hold nasty, disreputable views, have nasty or disreputable personnel procedures and protocols? If you were to do some exposé journalism, you would find these are not the kind of people that in the public interest ought to be receiving public funds? I bet you would. And, in fact, you would find, I think, as great a degree of malfeasance there as you would in any other sector or subsector of our society. So, will we have the same in the religious sector? Of course, we will. Do we expect it to be the dominant feature of that sector? No, I don't.

What do we know empirically at this point about the character of religiously provided services? What we know empirically at this point is that in all the studies that have been done, and in the most comprehensive study that is now available, which is a census of the community serving activities of churches, synagogues, and mosques in the City of Philadelphia done by my Penn colleague, there are many important facts that ought to come out of that that ought to discipline our discussion. It doesn't change our philosophical disagreements or positions necessarily.

And the key fact for the purposes of the questions that were asked is, we have found that almost without exception, a city with 2,000 congregations, three-hour site visits and 20-page questionnaires, 215 different kinds of services from the most evangelical or proselytizing theologies behind them to ones that really don't make of a profession of faith at all a part of how

they do their outreach, almost none of these congregations make profession of faith, make any kind of religious conversion or ritual a condition for entering the buildings, receiving the services, participating in the programs. And the primary beneficiaries of these programs are young children in the community who are not themselves churchied, and are not from families that are churchied, or synagogued, or mosqued. These are not congregants, children who are not congregants.

Now, we can say that is an inconvenient empirical reality, the world ought to do better to comport and comply with our philosophical disagreements, but that is the messy fact.

Third and finally, I would suggest to you that there has to be sort of a degree of trust in this conversation. I mean, you know, because we can have this debate, and we're having it, and believe me I'm dizzy from having it the past couple days. But if we have reached the point where you get all this survey data on levels of people mistrust the government, people mistrust each other, people are bowling alone even though they may be praying together, if that is the case, if that's what we're dealing with, then we're going to stop on the philosophical disagreements. And I will tell you frankly, and I guess I'm speaking for the office and some in the office, but I'll say this much. My own perspective is let's see if we can't identify something that every member of this panel would agree on.

Let's start there. Let's start to find something, or that third heading I mentioned. Is there a program where we can cross-lace religious and secular, public and private organizations? Is there some way to do that to achieve an important civic objective that we're not now achieving? Is there some way we can find a way to do that that would not only not raise these objections, but really have us spend the same energy that we're going to spend now fighting about it actually pulling together? Because we could spend all our time disagreeing, and it will not put any bread on anybody's table. It's not going to put a mentor in any children's life. It's not going to lift up the children, youth and family of any community. It's not really going to achieve very much in the end. That has been the real history, whether it's come from the Democrats or the Republicans, in my view, of social policy, the problem of the past quarter-century. And I think that we have an opportunity now to maybe, maybe, set that a little bit aright. At least I hope and pray so.

And with that, I must go, because my person is not my own.

MR. DIONNE: These two questions over here, I thought interrelated, the Wiccans, and what is going to happen to very unpopular religious faiths in this context. When you're concerned with proselytizing, is a D.A. or a cop ever going to come in and arrest you for violating proselytizing because you are preaching the gospel? How is that going to work? Because I think they each raise other sides of the same question.

MR. DiIULIO: I'll do a quick answer. To me, this is not as much about facts as faith, and as much about performance as any kind of politics. And if it's performance-based, if you're setting out and saying, these are the goals we're achieving now, and that we want to achieve, and here are the anti-discrimination laws, and so forth, that you must follow, you must stay between

these double yellow lines in order to achieve them, and you are a viable, full-fledged 501(c)(3), the fact that you may have some organizations, no one can say this couldn't happen, whatever their nastiness, or whether their theology of nastiness or whatever might be, that are going to find their way to qualify. No one can say that's not going to happen. But I suggest to you that it really is going to be the exception where it does happen that proves the rule. And the rule is going to be, people in good faith, people whether religious or secular, who are going to come together if we're able to find ways of making them partner, pulling together to achieve the civic purposes that are not now being achieved.

I'm not saying it's not going to happen. And I will tell you for sure that it is critical. I was with Reverend Lynn on one of the programs, I can't remember which one, this morning, and I said I am grateful for the fact that he's out there saying what he's saying, and doing what he's doing, and I'm grateful because it's a real concern. In my judgment, he's at one end of the continuum, but it's a real concern. It's a real value that ought to be on the table here. But just because we have multiple and competing values, or we have the horror story possibility. If we had the horror story possibility about things, we wouldn't build bridges, you know. We wouldn't build skyscrapers. And we probably wouldn't get in the car, and I probably wouldn't go on the Metro. And I've got to go.

Thank you very much.

MR. DIONNE: Thank you so much.

(Applause.)

MR. DIONNE: Because we've heard from John so long, I would like now to turn to Bobby Scott for an alternative perspective. Bobby Scott, welcome.

REPRESENTATIVE SCOTT: Thank you, E.J. It's a pleasure to be here. I feel a little funny because 90 percent of the things that John said are things that I agree with, that churches have done an extremely good job, civic organizations have done an extremely good job in providing services, and I think we can all agree on that. In terms of encouraging charitable contributions Virginia has the Neighborhood Assistance Act that has tax credits to donations made to some specific charitable organizations to encourage people with educational, housing, crime prevention programs in Virginia, provided by charities, and I introduced that almost 20 years ago.

So there's a lot that we can agree on. We don't need to change the law to provide 90 percent of what we're talking about. The problem is in that 10 percent, and the requests of changing the law under charitable choice. We had some specific questions, and we got vague answers. Specific questions like how elected officials pick and choose between religions as to who's going to get funded and who doesn't without violating the establishment clause, without designating this is a legitimate religion, this one I don't think that's a legitimate religion, so we're going to designate this one, establish this one for funding, this one doesn't get funded. How do you make that decision without violating the establishment clause of the Constitution, you can't

do it.

Second is the question of proselytization. When you listen to the description of why charitable choice is so needed you assume you can't have that discussion without proselytization taking place. And if you don't have proselytization, then a lot of the other provisions don't make any sense. For example, there's a provision in here that if you have a church running a program that an individual has the right to separate but equal treatment somewhere else. And I use "separate but equal" intentionally, but what are they exempting themselves from if there is not proselytization going on? You recognize that by having the separate but equal treatment going on.

And the third, and I think one of the most disheartening parts of it, is when you look at all these laws that people would be enforceable, one that is specifically allowed in all the provisions of charitable choice is religious discrimination. Now, if you are funding just the program and not the religion, why do you need to discriminate based on religion with federal funds? There used to be a time when you could do that, you could discriminate against people based on religion. But if you're sponsoring a federally funded drug program, why is it necessary to be able to say that we don't hire Jews and Catholics? Why is that necessary if you are not funding the church mission, you're just funding the program?

Everybody kind of assumes that their religion will be one that's funded. I think if you are Hindu, or Muslim, Jewish that the chances of your church or synagogue getting or other house of worship getting funded would be remote. You might not think too much of this. And if you happen to be of a minority religion, and happen to be a drug counselor looking for a job, and you're looking for a job with a federally funded drug program in America without charitable choice, you have an absolute right to be considered for that job notwithstanding your religion. Under charitable choice that changes. The sponsor of the program can look at you, and look at your resume, check off your religion and say, no, you're not qualified, we don't hire your kind with a federally sponsored program.

Now, when you ask, is discrimination solely based on religion in hiring with the federal funds allowed under charitable choice, you kind of talk about the 90 percent and the good faith and all that. There is specific language in every bill that I've seen on charitable choice that specifically provides that religious discrimination is okay. Once you have torn down that barrier, it doesn't take a rocket scientist to figure out that enforcing racial discrimination is going to be virtually impossible. And that is to say that if a church has a program and it's an overwhelmingly white church, and they say we only hire people that belong to our church, what chance does a black drug counselor have getting a job at that program? It is virtually impossible to enforce racial discrimination.

The question that I have is a direct question. Since the 1960s you haven't been able to discriminate against somebody based on their religion if you're running a federally sponsored program. Should we turn the clock back to where you can with federal money, hiring, discriminate against people based on their religion? It's a simple question. I don't believe you should, and we'll hear what the other side has to say.

MR. DIONNE: Congressman Scott, thank you. I hope we get back to that, and if somebody in the audience wants to get back to that question. I want to introduce Jim Wallis next.

Jim, I was trying to figure out how exactly how to describe your stance on this debate. And I said, well, you could be called moderate, or you could be called as a representative of the radical center, or you might be called something else. But, I welcome you, because your perspective on this is so powerful.

Jim Wallis.

MR. WALLIS: Well, I've been called a lot of things in emails the last couple of days, for talking with the enemy and things like that. I first of all thank you and the Forum for having this conversation. We need to have this conversation, and we're going to have the conversation. And this is a good chance to catch our breath and be reflective a bit about some of the deeper issues here.

I also look around the room and see lots of friends. And I know that most of us are here because we care a lot about the real things being discussed, which is how to overcome poverty, how to overcome youth violence, how to rebuild shattered neighborhoods. The first thing I want to say is, I have thought about this a lot, and I come to the conclusion that there is a way to do this faith-based initiatives that is respectful and consistent with the First Amendment. I have friends in the room who haven't concluded that. I think it's a very important question. It should get a lot of conversation, but I want to plead that the church-state arguments not be the only issue here, or the heart of the issue, that we try and keep our eyes on the prize, which is those neighborhoods and those families and those kids.

I remember that we had a debate in this country about welfare for decades, instead of talking about solutions to overcome poverty. I'm afraid the church-state controversy becomes kind of a new debate over welfare, and missing the real issue. I did not vote for this administration. We said that in Austin with the new White House leader, and I'm glad that he involved some of us who weren't supportive of him in the campaign. I come from a tradition that tries to root itself in that prophetic religious tradition that talks about social justice. And where we all stand in this conversation I think helps determine where we come out. So I stand there to start with.

I want to say three quick things. One is, I was at a White House conference on private-public partnership two weeks ago in the last administration. And there was a lot of argument about the need for public-private collaboration, and the HUD office was lifted up, and Joe Hecala was there. HUD had, I think, a very good office on faith-based community initiatives, and I'm hoping that becomes a kind of paradigm for this new office. I'm convinced also, had there been a Gore administration, I'm convinced there would have been a White House office on faith-based initiatives. So this is not, in my view, a partisan question.

There's going to be a new partnership between government and business and nonprofit organizations. Like John said, it's already occurring. Across the country nonprofit organizations are doing a lot of the work on the street, on the ground. To say we should only partner with those who are not faith-based doesn't make sense to me. So how to do it in a way that does respect the First Amendment is, in fact, the critical question.

Secondly, I have two concerns about how this is done, because I think it's going to be done, the question is how. There's a wrong way to do this, and a right way. The wrong way is that somehow faith-based organizations replace government responsibilities. Now, I'm glad for the tone set yesterday by John and Steve, and this White House office, and President Bush, about not wanting to go in that direction. I think there's a danger, though, that faith-based organizations become the cleanup crew for bad social policy, that somehow the job is now ours to fix what good social policy needs to help take care of. There are certain things only government can do. Faith-based organizations do a lot of things well, we can't provide healthcare for 40 million Americans. We can't provide all the low income housing, the affordable housing necessary for working families. We can't provide supplemental income for senior citizens.

So how to figure out the principle of partnership that I like to work with is, everyone does their share, and everyone does what they do best. So there's a whole vocational conversation here. What do faith-based organizations do and do best, what must government do, what does business do, and how do we begin to fashion effective partnerships. And here I like the street test of theology, which is neither liberal nor conservative is my concern, but what's right and what works on the ground on the street has to be an operative principle here. So applying that street test, I think, is critical.

Finally, I am concerned whenever this conversation takes place, and E.J. has heard me say this over and over again, that faith-based organizations are looked at mostly, or even merely as service providers, the deliverer of social services, instead of expressing that prophetic vocation that every religious community has in all of our traditions. In the meeting in Austin we did not say to Mr. Bush, hey, we have good programs and you ought to support them. We talked about what the agenda of the nation ought to be, about how when you have one of six children poor in the most prosperous time in the richest nation in history that is a moral scandal that Republican or Democrat we shouldn't accept, and one of three children of color.

I want to make sure that even if we can resolve the First Amendment questions that the prophetic integrity of faith-based organizations is not compromised in any new partnership, but rather, in fact, one would hope the opposite. That if there is an increased role or profile for faith-based organizations that the prophetic concerns of Catholic women working in neighborhoods, black churches, people doing the street work would begin to talk about what kind of policies from below would most help the people we're talking about. So I hope there's a two-way dialogue here, the faith-based office is not just a way to deliver services, but to listen to the prophetic concerns of the faith community.

And I think the last thing I want to say is, issues that affect poor people will not just be faith-based organizations and the services they deliver. I hope the faith-based communities that

become involved with the government will raise questions about all the policies of this administration which affect people who are poor. For example, those of us who are going to be working on the street, on the ground, have been for a long time need to also weigh in with this administration about things like the tax cut proposal, which if it is as large as is being anticipated, has profound implications for people who are poor, resources for social programs and so on.

So my hope is that number one, we would keep our eyes on the prize, and focus on neighborhoods and kids and overcoming poverty, and deal with the First Amendment questions, number two, we would be very vigilant that our efforts not replace legitimate government responsibilities, number three, that we not just be service providers, but prophetic interrogators of why so many people are poor, and we talk not just about what we can do, but about national agenda and national direction with this administration.

MR. DIONNE: Thank you. Thank you very much. I just want to say for the record that when I described Jim as a moderate Julie Segal in the back of the room nodded her head, no, and now we know he's a card carrying member of the prophetic party. So thank you very much. And I mean that, actually, as a great compliment.

Gene Rivers, please.

MR. RIVERS: I want to push the envelope on what I'll call "the hood test," because there are two forms of discourse that are going to be part of this conversation. There is the inside the beltway, policy, political elite discussion, which is very much an inside the beltway discussion. Then there is a discussion that will take place on the planet Earth, where most poor people live, beyond the borders of a very class-based, ideologically charged political discussion, which rarely factors in the life-death experiences and challenges of, in my case, the black poor.

Congressman Scott raises very important questions which should not be dodged. John DiIulio made it very, very clear that we will debate it, and if you disagree sue, because this is a litigious society. There is, however, a different kind of discourse that needs to be introduced to this context, which has to do with reflecting the objective, material, and cultural needs of the poor. And in that context, when we talk about which religious group should get support or what they're doing, my bottom line would be who is on the block, in the hood, serving the needs of the poor. That's my bottom line.

If the Alliance for Concerned Men are the ones that will work 90 hours a week with no health plan, and they're willing to put their lives on the line, and they're only crime is that they happen to love their God, that's their crime. They're not proselytizing. In other words, I'm going to help this young man who is going to try to kill this other young man, and while Jesus may inspire me, I am not going to make as a precondition for whether I encourage him not to use the gun the fact that he accepted Jesus. Now, what is not known, because in many cases most of us don't talk to the people who live and work among the poor, and who serve the needs of the poor without proselytizing, I have been in and around the block for 30 years doing this business, and in 30 years from Philly, John DiIulio's Philadelphia, to North Dorchester, never have I come across a person on the ground who was committed to saving lives who said that, kid, if you don't

accept my particular ideological party line, you can go to hell and die right now. It's never happened.

Our crime was, you're religious. Our argument is that people should not be discriminated against on the basis of religion. If, in fact, in Boston, the most effective model for doing crime prevention that reduces violence among black youth in terms of shooting is a faith-based model, we should not be discriminated against by the Justice Department because we happen to be folk who follow Jesus.

By the same token, I agree that if people use as a litmus test, you know, philosophic or religious subscription as the basis for why they're employed, I think that's unfair. In my case, I come from the high octane wing of the Pentecostal Church. We are genetically conservative. However, in our employment practices at the Ella J. Baker House, there have been people of orientations dissimilar to mine. There have been people who ideologically and professionally have been on the opposite side of the aisle. But we never discriminated against them in terms of employment as a result of that. And so the argument is, there is the inside the beltway discussion where we will fight and elbow each other trying to stake out our political positions, and then there's a deeper discussion which is lost, and I'm going to really lobby for, which is why can't we have as one of the criteria which programs produce results. So the question is not religion, but results.

The question is not simply one of, oh, my God, are you going to proselytize me? Man, I'm not trying to get you to accept Jesus or my religion. If, however, people who happen to pray to Allah, or to Yahweh, are the ones who geographically close to the problem, produce a measurable result, and demonstrate disinterested concern, and are evaluated on the basis of performance, I believe, in answer to your first question, that religious programs should be evaluated based on their performance. The measurable results that they produce, not their particular religious deal.

Secondly, on the proselytizing issue, if people did more research and actually left the beltway and visited the planet earth where people actually serve these individuals, what they would find is that 90 percent of us are not using as an ideological litmus test the fact that someone comes to Jesus. And part of this conversation is interesting, and I want to sort of raise this, many folk articulate their concerns feeling that they are members of under-represented religious minorities. And so their discussion, and let's say in one case the larger goyim culture, their dialectical interface with the larger goyim culture overlaps with a completely different conversation which happens in the black community. In other words, if members of your community come to my community, right, we're not going to try to get you to get the Holy Ghost and accept Jesus. We will accept your help while, by the same token, not trying to in any totalitarian way impose our religious dogma on you, even while we pray.

So, one, how do we define religion? Two, let's come up with a social scientifically more precise notion of proselytizing so that's not used as a generic blanket that we throw over everybody whose religious views we don't accept. Let's be open-ended and objective, and let's have the suits and the debates, that are essential to the American experience, and those of us who

live on the planet earth are going to continue to work and fight for the poor, living and working with them. And I submit that at the end of the day, this discussion is going to have to come to the planet, and we should hear from the people in addition to the policy and political elites.

MR. DIONNE: I just want to say, imagine what Gene would have done if he'd been prepared to be on this panel walking in today. Just three things for the record, inside the beltway is on planet earth. The very program you mentioned is actually inside the beltway, and I think it's a fine program that you talked about.

I want to know, before we go to the audience, does somebody want to respond to Gene?

REPRESENTATIVE SCOTT: I'll respond. The way he described the program, it can be done under present law. What we are complaining about are the changes in the law in charitable choice that provides specifically for the proselytization of the condition for participating in the program, and the religious discrimination that --

MR. RIVERS: Which means in this case?

REPRESENTATIVE SCOTT: Which means you tell a prospective employee, we don't hire your kind because you're the wrong religion, which is illegal under every law in America except charitable choice. That we have all this agreement, and the only question is on the proselytization, the discrimination, and if you can go just by the merits. You don't have any problem on --

MR. RIVERS: So performance-based.

REPRESENTATIVE SCOTT: -- performance-based until the wrong religion does the performance. When David Koresh has a program that actually produces some numbers and they're entitled to funding, what do you do?

MR. RIVERS: Look, the Nation of Islam received federal funding to do security in housing development projects.

REPRESENTATIVE SCOTT: And then what happened?

MR. RIVERS: And all hell broke loose.

REPRESENTATIVE SCOTT: Thank you.

MR. RIVERS: But here, again, the argument then, was the argument then that they shouldn't have received the funding?

REPRESENTATIVE SCOTT: No, the argument is, if you're going to fund groups, you cannot base your decision on the religion.

MR. FOLTIN: But they were engaged in discrimination against individuals whom they hired, and they were engaged in proselytization while they were carrying out their government funded activities.

MR. RIVERS: What's the evidence for that?

MR. FOLTIN: I mean, that's the claim.

MR. RIVERS: We're on television.

MR. FOLTIN: Well, there was evidence of it at the time, and it was the basis upon which these --

MR. RIVERS: But you're not in possession of that, so that's just an allegation.

MR. DIONNE: It sounds like we're in the recount lawyers room.

MR. FOLTIN: Sorry. But there was opposition which, in my judgment, was religiously based that people didn't like the idea that that organization got the money. Now if it's a religion pure, where it's just on the numbers, then put it on the numbers. And if the wrong religion produces the numbers, you're going to be stuck with it. But, the key is, why do you need as part of the law, why are you sabotaging Title VII of the Civil Rights Act and hiring people with federal money, why should you be able to discriminate against people based on their religion?

MR. RIVERS: I think it's bit more complicated than that, though. Because you drew the analogy with going back in time, which was an evocative image, but I think it was incorrect. In that with these initiatives, one of the most under-represented constituencies or groups with regards to community service have been black churches. Black churches, especially black churches that serve the very poor, have not been empowered or strengthened despite the fact that in the vast majority of cases in the inner city, they are the institutions that are closest to the problem, they live and work there, and the vast majority of cases where the neighborhoods are poor, and many of us in the black church community are conceiving this as an opportunity to give access to faith communities of and for the poor that have been disempowered because of a fairly elaborate system that used as its pretext, you're religious therefore we won't support you.

REPRESENTATIVE SCOTT: My original question -- and, E.J., I don't want to get away from this -- is, is it right or wrong that a sponsor of a federally funded program ought to be able to discriminate against someone solely based on their religion for a federally sponsored job? It is not legal under Title VI and Title VII today. If charitable choice passes, it will be legal. You'll be able to tell somebody, we don't hire your kind for this federal program because of your religion. Is that right or wrong?

MR. WALLIS: Charitable choice, as I understand it, does not allow a faith-based provider to require any kind of religious response for the sake of attaining service. And so, I think, if that were --

REPRESENTATIVE SCOTT: Some versions do, some don't. I'm talking about employment.

MR. WALLIS: Well, I mean, there are two issues here. But you also said there's an element of requiring a response for service, and that would be against the law in charitable choice.

I think the hiring question is the most difficult question.

REPRESENTATIVE SCOTT: It depends on which version you're talking about.

MR. WALLIS: I'm agreeing, the hiring question is the most difficult question. The director of the office today sat there and said, here are the non-discrimination laws, we're going to abide by the law in this office. Now, I hadn't heard that before. I'd like to hear John talk more about that. I think the hiring question is probably the toughest question.

But I don't think charitable choice does allow, in fact as I understand the law, it does not allow for people to proselytize or to use a religious response as some kind of requirement for obtaining a service, that's a violation of the law.

I think the hiring question is something that we're going to have to look at much more carefully. And the other question is, who gets to apply is a fair question. Does the Nation apply, do Wiccans apply, what does that mean? That's a fair question. That's not resolved yet. The other question, I think, is, what I'm more concerned with is this competition between religious groups for government funding. I don't want the government to be able to divide and conquer the religious community and select some friends. That's why Call To Renewal is a broad table – Catholic, black church, evangelical. We're saying to this administration, you've got to deal with all of us, all of us are part of the family here, other faiths, too. So that's a critical thing that we should police ourselves on. And faith-based, we should not get into a competitive thing with each other about the government.

MR. DIONNE: I want to get to the audience, you can come back, I promise. There are several people over here, somebody has the mike.

QUESTION: Isn't there also a dilemma for the churches and synagogues and mosques because many of these religious institutions believe that the precise reason that they are effective is because they offer their faith, that it is for many of these religious organizations their religion, that it is saving one's soul is the way that you change their lives for the better. This may not be true so much with housing, or with putting bread on the table, as it is with perhaps substance abuse issues, or mental health issues. There's a huge wing of social services for which many of these institutions believe it is precisely their religious message which is the effective thing, that is what they offer that is better than what secular institutions now offer, and why it is they want to offer it. And how will these people for whom offering Jesus as salvation, or the road to Allah, or whatever it is that they believe, is the thing they think is the most helpful thing they can offer,

how will these groups be able to participate in charitable choice, or are they, in fact, because of their very religious, pervasive religious content, really not eligible?

MR. DIONNE: That's an excellent question. I want to go one more, to Keith, and then let the panel go.

QUESTION: Basically the debate is over how you interpret the establishment clause, and we're not going to resolve that here. The direct question as to why these faith-based groups ought to be able to discriminate was answered by Jim Wallis when he said, we need to be able to maintain our prophetic identity. For Jim Wallis to continue the ministry that he has, and he comes out of a pacifist tradition, it's anti-military, he's got to be able to -- and a Baptist, the Mennonite tradition that's anti-military, he needs to be able to tell people who are not pacifists, that maybe they should find someplace else to look for work.

Now, he's going to do that on his own religious convictions about what the Bible says about peacemaking. So the most obvious answer to your question is, in order to maintain the identity of the group, right?, to maintain that prophetic voice, as well as to their service, you have to protect them.

The only debate is now: does that constitute an establishment of religion? Some of us say no, and others obviously say yes.

MR. WALLIS: I hate to disavow your theory. We just hired a retired Pentagon employee over at Call To Renewal.

Let me just respond. My prudential advice of faith-based organizations, even though the law doesn't require it now, is that you set up a 501(c)(3) non-profit organization out of the church. I would like to see charitable choice revised to include focusing on separate non-profit organizations, because it's better for everybody.

Now, I like what John said. A lot of us agree on a lot of things in this room. And we disagree on some points of how the First Amendment is to be interpreted here, perhaps. I would like to start with where we agree. Let's start with finding things that we can find broader consensus about. I heard John saying that today, I would like to see what he does with that. There are an awful lot of faith-based, non-profit organizations doing great work on the ground that would be more effective if they were partnering with mayors, city councils, governors, and that's not all funding. This is not all a funding question. It's a partnership question.

I don't think Gene gets a whole lot of funding in Boston, yet the TenPoint Coalition has been a very effective partnership, criminal justice, police, and ministers on the street, tremendous reduction in youth homicide, youth violence. So, let's look for partnering and look for funding where we can, I think, broadly support some of the efforts here.

Take Christ House, the best medical facility for the homeless sick I've seen in the country not far from here. Now, when the city and HUD passes out medical supplies, or money for

medical supplies, should Christ House not get them because they're a faith-based organization? I don't think so. Most of us probably would agree with that. Should they have to take down their cross, or not have their voluntary prayer service, I don't think so. Should we fund the chaplain there? No. Should we fund those services, should we fund their evangelism? No. We should fund medical supplies. That's the easier case.

The harder case is the Teen Challenge case, or the Victory Outreach, where the drug rehabilitation is more tied up with the religious message and conversion, those are the harder cases, let's be honest about that. The employment question and where the service is directly tied up with the religious message are going to be the harder cases. So, let's have some good conversation about those, but there's an awful lot that we could do within some broad parameters here of consensus of supporting very dynamic partnerships with neighborhood level faith-based organizations, preferably from my point of view, 501(c)(3)s in relationship to mayors, governors, and even federal government.

MR. FOLTIN: I have to clarify something I said earlier, but I think it lead into one of the points I want to make, which is this issue about the Nation of Islam. Because I don't have a file with me, I want to make clear that those were the allegations at the time, and whether or not they were the case -- but the point is, because those allegations were made, it points out exactly one of the problems with this whole structure, which is that whereas when there are allegations of malfeasance, when there are allegations of proselytization, when there are allegations of discrimination, when you're dealing either with a secular agency, or a religiously affiliated separate corporation, the ability of the government to go in and police these things, and make sure the programs are properly carried out does not carry with it all the weight of entanglement of religion and government, the political problem of people maybe being reluctant to find that there's malfeasance because you're attacking the church directly it's that much more problematic, all of that comes into play as soon as you don't set up the kinds of structures that we're urging.

And in the meantime, the kind of program that you and Jim Wallis have spoken about, where there is no proselytization going on, or no discrimination, can, in fact, take place right now. So, in fact, we're fixing something that ain't broke and bringing with it all the same kind of problems that that earlier case about the security service brought to light in terms of the political powers.

And the only other point I want to make is that in the Jewish tradition we have a saying that you have to take care not to use the Torah as a shovel, that you do not have your religion serve your secular purposes. And that is much of what I think charitable choice is about, is trying to use the Torah as a shovel, and we really have to guard against that very carefully.

MR. DIONNE: I want to welcome Congressman Rick Santorum.

UNIDENTIFIED SPEAKER: Senator.

MR. DIONNE: Senator, I'm sorry. I've been saying Congressman Scott all afternoon. Senator Rick Santorum. Why don't we have a question, and have the Senator have a comment in

here before we close. Gene, and then Congressman Scott.

QUESTION: [Technical difficulties. Inaudible.]

MR. DIONNE: Could I just say a very brief thing, because I'm here to moderate the rest of these folks. I think when [Vice President Gore] gave that speech he actually came under attack from some of the same organizations who are criticizing President Bush now. So I'm not sure. Yes, I think the context would be different, I'm not sure the people on opposite sides would be all that different. I think Chet Edwards and Congressman Scott would probably be in same place they are now and were when Al Gore gave that speech.

MR. RIVERS: Well, there's a difference. Do you want to go to Rick, and then I'll have a comment.

MR. DIONNE: Senator, welcome. Just so you know, we've had a very long and good conversation on various aspects of charitable choice, and President Bush's initiative. If you want to say a few words before we close about what you saw today and where you see this going that would be great.

SENATOR SANTORUM: Well, thank you, E.J., and let me apologize for not being able to be here, we had some votes in the Senate, as you probably know. First off, I'm just very, very excited that we have a President who is going out there and meeting what are really real needs in the community and meeting people where they are trying to meet those needs. And as someone who spends a lot of time in a lot of the poor communities in Pennsylvania, I mean I see, you know, the effect of faith-based organizations in the community. And in many cases they're the only organization in the community. And they are out there fighting the good fight, and in most cases government has been at odds with them, not being helpful to them.

I just want to take issue with the subject which is charitable choice. I like to refer to it as beneficiary choice. This is not about charities having choices, this is about people who want to receive services having choices to go to the places they want to go, not where the government will fund. That's really important. If you talk to the people in the community who are looking for assistance, they want to have the opportunity to go to the service provider of their choice, not of the government's choice.

And what we're doing here is providing opportunities for faith-based organizations who heretofore have had to limit their abilities to help people because of resources, particularly if you look in the African-American community, where you have basically individual small churches, I mean, they're not large denomination churches that have huge amounts of resources behind them that they can funnel into the poor communities. They don't have a large amount of resources, and they don't have a congregation that, while they may tithe and they may do a lot of things that help out, they don't have the resources to be able to meet the needs that are confronting their community. And so I think what we really need to focus on is this is not about charities having choices, this is about beneficiaries, this is about people in the community who deserve those choices.

The final point I'd like to make, and I think what was highlighted today, which is the importance of recognizing people who have taken ownership of the problem at the local level. As a Catholic we call the principle subsidiarity, and I really truly believe that if we're going to change our society and we're going to transform our communities then we have to have more ownership of the problems and looking to ourselves to solve them.

So this isn't about the government coming in trying to dictate solutions to any problem. If that's what this is about, count me out. This is about, in fact, building communities with the people who are in those communities, who have taken ownership of the problems, and who have the relationships with the people to build a more permanent solution to the problems.

Now, we're going to have failures and we're going to have successes. But, what we're going to have is ownership at a community level, which I think is vitally important.

MR. DIONNE: Thank you very much.

If I could go to Gene and I want to give Congressman Scott the last word, because he is, as they say in his house, ceded a lot of time to a lot of people over the last little bit. So Gene, and then Congressman Scott.

MR. RIVERS: For many of the folk across this country that come out of the black community, increasingly our thinking is that at the end of the day we want to see sacred spaces empowered to serve secular needs and purposes. For us, at the end of the day if serving the needs of the poor is the priority, it's not about religion, it's about results, it's not about proselytizing, but about performance. And we want these sacred institutions to be judged based on performance and results, not religion.

Now, if our sin is that our religion can produce a result, then we plead guilty. But at the end of the day for millions of very poor people who are not going to have very much say in this debate, whose needs must be met if this society is to become rational, we are simply attempting to get these sacred institutions strengthened to serve the secular needs of millions of very poor kids. And that's really at the end of the day our bottom line in this debate.

There's got to be the philosophical debate, and the suits. But, in our community we're not going to let those debates keep us from serving the needs of a lot of kids who are too frequently ignored by elites on both sides of the aisle for different ideological reasons.

MR. DIONNE: Just so Senator Santorum understands that last reference, John DiIulio is the first government official I've ever seen, inside or outside the beltway, who came to a meeting and invited everybody to sue him, which is what he did today.

Congressman Scott.

REPRESENTATIVE SCOTT: Thank you.

The question was asked about what difference there would be if the presidential election had been different. Let me just read to you out of the Democratic platform, which supports involvement of faith-based and community organizations. It says that faith-based organizations should augment, not replace government programs, should respect first amendment protections, and should never use taxpayer funds to proselytize or support discrimination. Now, that is in stark contrast to charitable choice, which is what we're talking about today, because it specifically allows at least indirect proselytization, it provides specifically for discrimination, and under Senator Ashcroft's version of charitable choice it allowed discrimination against beneficiaries of the services. They could be compelled to participate in the tenets and teachings of the church as a condition of participating in the program.

Now, we got those out by amendment, but that was in the original version that was introduced. And the question I think we ought to make these investments in the inner city, but I would hope they would not come at the expense of having to sell our civil rights as a condition of getting these investments.

MR. DIONNE: Senator?

SENATOR SANTORUM: First off, that's not accurate. The original Ashcroft's language, which I was a cosponsor of, did not require anybody to accept tenets and teachings. It gave everyone a choice of a faith-based program and a secular program. And to suggest that that was their only choice and they had to either go to the faith-based organization or they didn't get service is just not accurate.

And the idea that saying that you have a program that incorporates a certain methodology, in this case the methodology is -- and I'm looking at it from a social science perspective, not a religious one -- the methodology includes faith. And to suggest that you have to hire people who don't agree with your methodology and that that's discrimination, where if you're at a drug and alcohol clinic that is not run by a faith-based organization that has a non-religious way to get people sober, if someone comes in and says "I don't believe that your plan works, and I'm not going to teach what your institute says," that isn't discrimination. Now, that, to me, is absurd, Representative. What you're doing is putting at a higher level and you're discriminating against religion, because religion here is a methodology. It is not discriminating because if someone who is Jewish, Orthodox Jew, wants to come in and work at Reverend Rivers' organization and wants to teach the things that he wants to be taught as a way to change people's lives, I'm sure the Reverend would be happy to hire them. But he's not going to hire people who do not support the methodology that has proven successful in transforming lives. It is not discrimination. It is what works for the organization.

REPRESENTATIVE SCOTT: I think we have some agreement on what the facts are. The fact is that if a sponsor of a federally funded program can require you to go along with the tenets and teachings, you have the choice of going somewhere else, a separate but equal program. But if you want to participate in that program, you can be forced into following the teachings and tenets of the organization.

And second, we have a straight up answer to the question that it is right to discriminate based on somebody --

MR. RIVERS: Why is that discrimination, though? Why is it discrimination because you have a methodological -- ?

REPRESENTATIVE SCOTT: If you have --

MR. RIVERS: Excuse me. Why is it discrimination because you have a methodological approach which you argue, tested, produces a result, and we can establish the latter case. Why is that discrimination?

REPRESENTATIVE SCOTT: Let's just put the question directly. You have a federally funded program, and if you are a drug counselor, can you be denied the right to compete for that job solely because of your religion?

MR. RIVERS: No, wrong. Wrong question.

SENATOR SANTORUM: Because of your beliefs you can, sure. Because of what you're going to teach you can be denied.

REPRESENTATIVE SCOTT: I asked for an answer. I don't believe you should be able to be told "We don't hire your kind in this federally funded program" --

MR. RIVERS: You're dodging. You're dodging.

REPRESENTATIVE SCOTT: -- "because of your religion." I'm not. I asked a simple question.

MR. RIVERS: No, you dodged the question with a question.

MR. DIONNE: Brothers and sisters, there is a show called "Crossfire." I think this is on the crossfire. And I just -- to be continued.

I want to thank everybody who participated. Senator, thank you for coming. Jim Wallis, Bobby Scott, Gene Rivers, Richard Foltin, thank you all for coming.

Melissa wants to say a word.

MS. ROGERS: I just want to remind you all that we'll have continuing events to continue this discussion. Some of our upcoming events will focus on the practical implications, what's going on on the ground, how this office is changing, how government works, and how things happen in a practical setting. So we welcome you to come to those events, and we thank you for your participation today.

MR. DIONNE: Thank you all.

[END OF EVENT.]